



# Independent Contractors Regulations 2007<sup>1</sup>

## Select Legislative Instrument 2007 No. 23

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Independent Contractors Act 2006*.

Dated 15 February 2007

P. M. JEFFERY  
Governor-General

By His Excellency's Command

JOE HOCKEY  
Minister for Employment and Workplace Relations

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**1 Name of Regulations**

These Regulations are the *Independent Contractors Regulations 2007*.

**2 Commencement**

These Regulations commence on 1 March 2007.

**3 Interpretation**

*Act* means the *Independent Contractors Act 2006*.

**4 Saving of various State and Territory laws**

For paragraph 7 (2) (c) of the Act, the laws of a State or Territory that are mentioned in the table are specified.

<b>Item</b>	<b>Law</b>	<b>Specific provisions (if any)</b>
<b><i>New South Wales</i></b>		
101	<i>Building and Construction Industry Security of Payment Act 1999</i>	

Item	Law	Specific provisions (if any)
102	<i>Health Services Act 1997</i>	Parts 1, 3 and 4 of Chapter 8, and the Dictionary at the end of the Act.
<b>Victoria</b>		
201	<b>Building and Construction Industry Security of Payment Act 2002</b>	
<b>Queensland</b>		
301	<i>Building and Construction Industry Payments Act 2004</i>	
302	<i>Queensland Building Services Authority Act 1991</i>	
<b>Western Australia</b>		
401	<i>Construction Contracts Act 2004</i>	
<b>Northern Territory</b>		
801	<i>Construction Contracts (Security of Payments) Act</i>	

*Note* Under subsection 7 (1) of the Act, the rights, entitlements, obligations and liabilities of a party to a services contract are not affected by a law of a State or Territory to the extent that the law would otherwise do one or more of the things specified in that subsection.

However, subsection 7 (2) of the Act provides that subsection 7 (1) does not apply in relation to various State and Territory laws, including laws specified in regulations made for the purposes of paragraph 7 (2) (c) of the Act, to the extent that the law is so specified.

## **5 Time limit on applications for review of services contracts — prescribed circumstances (time limit for applications)**

- (1) For section 13 of the Act, and subject to subregulation (2), a circumstance in which an application must not be made under subsection 12 (1) of the Act is that the time limit for making an application of that kind has expired.

- (2) However, if a person satisfies the Court that there are exceptional circumstances justifying the making of the application:
- (a) subregulation (1) does not apply; and
  - (b) the Court may, on application by the person, allow an application under subsection 12 (1) of the Act to be made at any time after the time limit expires.
- (3) The time limit expires after a period of 12 months starting on the date on which a services contract ends.

**6 Limitation on applications for review of services contracts — other proceedings in progress**

For paragraph (b) of the definition of *other review proceedings* in subsection 14 (3) of the Act, the provisions of the laws of the Commonwealth, or of a State or Territory, that are mentioned in the table are specified.

<b>Item</b>	<b>Law</b>	<b>Provisions</b>
<b>Commonwealth</b>		
101	<i>Trade Practices Act 1974</i>	sections 51AA, 51AB and 51AC
<b>New South Wales</b>		
201	<i>Fair Trading Act 1987</i>	section 43
<b>Victoria</b>		
301	<b>Fair Trading Act 1999</b>	sections 7, 8, 8A and 8B
<b>Queensland</b>		
401	<i>Fair Trading Act 1989</i>	section 39
<b>Western Australia</b>		
501	<i>Fair Trading Act 1987</i>	section 11
<b>South Australia</b>		
601	<i>Fair Trading Act 1987</i>	section 57
<b>Tasmania</b>		
701	<i>Fair Trading Act 1990</i>	sections 15 and 15A

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Item	Law	Provisions
<b>Australian Capital Territory</b>		
801	<i>Fair Trading Act 1992</i>	section 13
<b>Northern Territory</b>		
901	<i>Consumer Affairs and Fair Trading Act</i>	section 43

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*Note* The expression *other review proceedings* is defined in subsection 14 (3) of the Act, and includes proceedings in relation to a services contract under a provision of a law of the Commonwealth, or of a State or Territory, that is specified in regulations made for the purposes of paragraph 14 (3) (b) of the Act.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).